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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,256	02/23/2000	Robert Lawrence Gallick	PH 00-09	4237

7590

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EXAMINER

HOM, SHICK C

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 04/09/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/511,256

Applicant(s)

GALLICK ET AL.

Examiner

Shick C Horn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: in page 1 line 5 which recite application serial no. 09/459824 does not appear to be correct; further, update status of copending applications recited in page 1 lines 5, 7, and 9. Appropriate correction is required.

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Objections***

3. Claims 1-2 and 4-17 are objected to because of the following informalities: in claims 2 and 4-17 line 1 delete "A packet switched call center communications system" and insert ---The packet switched call center communications system--- because they're reciting the system of claim 1. In claim 1 line 12, the words "incoming call" seem to refer back to "incoming call"

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recited in claim 1 line 7. If this is true, it is suggested changing "incoming call" to ---of the incoming call---. In claim 1 line 8, the words "a respective subscriber-defined questionnaire" and line 9, the words "a questionnaire" seem to refer back to "a subscriber-defined questionnaire" recited in claim 1 lines 4-5. If this is true, it is suggested changing "a respective subscriber-defined questionnaire" and "a questionnaire" ---the subscriber-defined questionnaire---. In claim 4 lines 2-3, the words "a questionnaire" seems to refer back to "a questionnaire" recited in claim 1 line 5. If this is true, it is suggested changing "a questionnaire" to ---the questionnaire---. In claim 7 line 3, the word "calls" seems to refer back to "calls" recited in claim 2 line 2. If this is true, it is suggested changing "calls" to ---the calls---. In claims 14, 15 line 2, the word "calls" seems to refer back to "calls" recited in claim 11 line 2. If this is true, it is suggested changing "calls" to ---the calls---. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point

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out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3 line 1 which recite "A feature server programmed according to claim 2" is not clear as to what feature server programmed according to claim 2 because no feature server programmed have been recited in claims 1 or 2; further, it is not clear as to whether it is reciting ---The packet switched call center communications system according claim 2---. In claim 1 lines 6, 10 which recite "the call" lacks clear antecedent basis because no call have been previously recited in the claim and therefore the limitation is not clearly understood; further, it is not clear as to whether it is reciting ---one of the voice over Internet Protocol telephone calls--- of claim 1 lines 1-2. In claim 3 lines 2-3 which recite "said attendants" lacks clear antecedent basis, and is not clear as to whether it is reciting --said attendant positions--- of claim 1 line 2. In claim 4 line 3 which recite "the caller's directory number" lacks clear antecedent basis. In claim 5 lines 2-3 which recite "the information gathering form" lacks clear antecedent basis. In claims 11, 12 line 2 which recite "the priority" lack clear antecedent basis. In claim 15 line 3 which recite "the previous

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call" lacks clear antecedent basis. In claim 16 line 2 which recite "the current call queue" and line 3 which recite "the previous call queue" lack clear antecedent basis. In claim 17 line 3 which recite "said call back request" lacks clear antecedent basis. In claim 6 line 2 which recite "the time" lacks clear antecedent basis. In claim 13 line 3 which recite "said individual call's position" lacks clear antecedent basis.

Claims 2, 7-10, and 14 are rejected under 35 U.S.C. 112, second paragraph because they depend from rejected claim 1.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. This application currently names joint inventors. In

considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant

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is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103<sup>®</sup> and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of Cheung et al.

Hansen discloses nearly all the subject matter now claimed. Note col. 13 line 61 to col. 14 line 47 which recite the Call Center holding a call in queue wherein once a call is initiated request the calling party to provide identification information, which includes, but is not limited to, the second party's first name, the second party's employee number, the second party's social security number, the second party's computer address, the second party's mailbox number, the second party's login name, the second party's last name, the second party's full name, the second party's individual telephone number, assigned numbers, department name or number ACD agent number/ID, E-Mail

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address, computer IP address, and physical location (e.g., street address, cube name or number, office name or number, product name, line, job title) and once the identification information is entered, it checks a database of individuals having access to the port to determine whether the second party is in the database and has access to the port and if the identification information is matched to an entry in the data base, then establish a communication link between the first party and the second party, perhaps, after notifying the calling party that a communication link between the calling party and the second party is being established and, ultimately, is established clearly anticipate the call center communications system comprising a data base which includes defined questionnaire for eliciting from callers information concerning the nature or purpose of the call to the subscriber, means for submitting questionnaire to the caller, and means for processing the questionnaire return by the caller as in claim 1 and the queue of calls as in claim 2. Col. 17 line 44 to col. 18 line 9 which recite the message being displayed on the phone instrument itself and the second party uses the touch pad to answer the messages or questions with pre-defined commands, a table of which is accessible by server clearly anticipate the means responsive to questionnaire processing means for displaying



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the nature or purpose of each incoming call as in claim 1.  
Col. 6 lines 24-64 which recite the system includes the auto attendant feature whereby calls can be transferred to the auto attendant clearly anticipate the attendant serving the subscriber as in claim 1.

Hansen did not recite the packet switched system for delivering voice over Internet Protocol telephone calls as in claim 1.

Cheung et al. teach that it is known to provide a packet switched Internet Protocol IP network carrying Voice over IP VOIP traffic wherein a voice call made in connection with a VoIP service is not admitted to the IP network and is held if one or more current delay characteristic parameters of the IP network do not satisfy one or more prescribed delay characteristic requirements as set forth at col. 1 lines 41-60 in the field of digital and multiplex communications for the purpose of providing the feature of dynamically controlling the admission of traffic to a packet-switched network based on the state of the network which clearly anticipate the packet switched system for delivering voice over Internet Protocol telephone calls as in claim 1.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the packet switched system for delivering voice over Internet Protocol telephone calls as taught by Cheung et al. to the Call Center of Hansen in order to provide a system in which the Call Center can function as designed.

***Allowable Subject Matter***

7. Claims 3-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Montero discloses a method of delivering information over a communication network.

Andruska et al. disclose ACD skill-based routing.

Kikinis discloses a telephone network interface bridge between data telephony networks and dedicated connection telephony networks.

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9. Any response to this nonfinal action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal  
Park II, 2121 Crystal Drive, Arlington. VA., Sixth  
Floor (2600 Receptionist at (703) 305-4750).

Any inquiry concerning this communication or earlier  
communications from the examiner should be directed to Shick Hom  
whose telephone number is (703) 305-4742. The examiner's regular  
work schedule is Monday to Friday from 8:00 am to 5:30 pm EST and  
out of office on alternate Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao, can be reached at (703) 308-5463.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

*Shich Hom*

SH

April 1, 2003